

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JACOB BANSCHBACH,

Plaintiff,

vs.

DOCTOR KOHUT AT MONTANA
STATE PRISON,

Defendant.

CV-15-00107-H-DLC-JTJ

ORDER

Plaintiff Jacob Banschbach, a state prisoner proceeding in forma pauperis, has filed a Motion to Compel (Doc. 43) and a Motion for Extension of Time to Complete Discovery (Doc. 44). Once again, Mr. Banschbach has failed to comply with the rules of this Court and as such the motions will be denied.

With regard to both motions, Mr. Banschbach failed to comply with Local Rule 7.1(c)(1) which requires that, “the text of the motion must state that other parties have been contacted and state whether any party objects to the motion.” There is no indication in either motion that Mr. Banschbach has complied with Local Rule 7.1. Mr. Banschbach has been repeatedly told to comply with this rule.

In addition, as set forth in the Court’s October 5, 2016 Scheduling Order,

The Court will not consider motions to compel or other discovery disputes unless the moving party complies with Fed. R. Civ. P.

37(a)(1) (“The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.”); D. Mont. L.R. 7.1(c)(1) (“The text of the motion must state that other parties have been contacted and state whether any party objects to the motion.”); and D. Mont. L.R. 26.3(c) (“The Court will deny any discovery motion unless the parties have conferred concerning all disputed issues before the motion is filed.”).

(Scheduling Order, Doc. 35 at 7.) There is no indication in Mr. Banschbach’s motion to compel that he complied with these rules.

Accordingly, IT IS HEREBY ORDERED THAT Mr. Banschbach’s Motion to Compel (Doc. 43) and Motion for Extension of Time to Complete Discovery (Doc. 44) are DENIED WITHOUT PREJUDICE and subject to renewal upon compliance with the Court’s rules.

DATED this 10th day of April 2017.

/s/ John Johnston
John Johnston
United States Magistrate Judge